UNITED STATES
PATENT AND TRADEMARK OFFICE



Patent Public Advisory Committee Quarterly Meeting

Examination Policy Updates

Office of the Deputy Commissioner for Patent Examination Policy

John Cottingham, Director of the Office of Petitions
Brian Hanlon, Director of the Office of Patent Legal Administration

August 20, 2015



Patent Public Advisory Committee Quarterly Meeting

Office of Petitions Update

John Cottingham

Director, Office of Petitions



Inventor's Assistance Center

- The Inventor's Assistance Center has new expanded hours effective as of August 17, 2015
- Open now from 8:30am to 8:00pm Eastern Time M-F
- To support our Enhanced Patent Quality Initiative and provide excellent customer service across the country



Current Petitions Dashboard

 www.uspto.gov/dashboards/patents/main. dashxml



Patents Dashboard





Petitions Dashboard



Frequently Filed Petitions in the Office of Petitions

Petition Type	Avg Days Pending of Decided Petitions in the Past 12 Months	Grant Rate Percent of Total Petitions Decided in the Past 12 Months
To Make Entity Status Large from Small		
To Join Track One (Prioritized Examination)	36	94%
To Join Patent Prosecution Highway (PPH)		78%
To Make Application Special on Grounds of Age or Health	132	93%
Revival Based on Unintentional Delay in Abandoned Application		81%
To Accept Unintentionally Delayed Claim for Priority	118	65%
Withdrawal of Attorney From Application	141	37%
ssue Patent in the Name of Assignee After the Issue fee is Paid	196	81%
To Accept Unintentional Delayed Payment of the Maintenance Fee	132	73%
Patent Term Adjustment After Patent Issued	346	42%

The patent term adjustment petitions were delayed due to the Federal Circuit deciding Novartis AG v. Lee and these petitions are currently being processed.



Petitions Dashboard

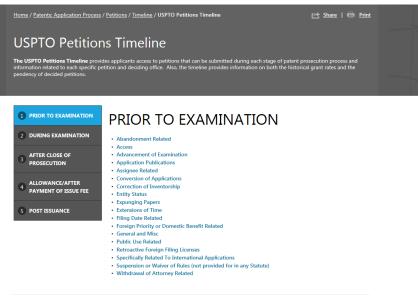
≏etition Type	Total E-Petitions Decided/Filed in Past 12 Months	Days	Grant Rate Percent of Total E-Petitions Decided in the Past 12 Months	the Past 12 Months	Pending of Non-E- Petitions Decided in the Past 12 Months	
Fo Make Application Special on Grounds of Age or Health						
Revival based on Unintentional lelay in abandoned application	835	0	100%	3,189	117	81%
Revive Abandoned Application for Failure to Notify the USPTO of Foreign Filing	75	0	100%	48	116	85%
Revive a Patent Application for Continuity Purposes Only When Abandoned Unintentionally	59	0	100%	53	132	98%
Nithdrawal of Attorney From Application	1,465		100%	829	134	
Vithdraw Application From Issue After Issue Fee is Paid	1,854	0	100%	294	0	82%
Revive Patent Application for Inintentional Late Payment of the ssue Fee	557	0	100%	950	104	82%
Vithdraw From Issue Patent Application With Patent Number Assigned	2,607	0	100%	376	0	93%
Vithdraw Patent Application From ssue to Expressly Abandon		0	100%	13		100%
ssue Patent in the Name of assignee After the Issue Fee is Paid	103	0	100%	462	135	81%
Fo Accept Unintentional Delayed Payment of the Maintenance Fee	13,242	0	100%	725	112	73%





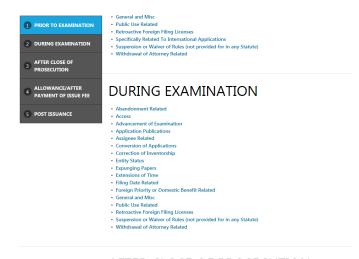
 http://www.uspto.gov/patents-applicationprocess/petitions/timeline/usptopetitions-timeline





DURING EXAMINATION





AFTER CLOSE OF PROSECUTION

- Abandonment Related
 Access
- Access
- Assignee Related
- · Correction of Inventorship
- Entity Status
- · Expunging Papers
- Extensions of Time

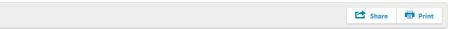


Prior to Examination

Petition Type	Avg. Days Pending of Decided Petitions	Grant Rate Percentage	Deciding Office
220 - To Excuse a Delay in a Hague Application	None	None	IPLA
272 - To Revive an Abandoned International Application - Unintentional Delay 37 CFR 1.137(a)	47	88%	IPLA
273 - Withdrawal a Holding of Abandonment - 37 CFR 1.181	104	81%*	IPLA
529 - To Withdraw a Holding of Abandonment in Pre-Exam Status (37 CFR 1.181) - Failure to receive an Office Action 529 - To Withdraw a Holding of Abandonment in Pre-Exam Status (37 CFR 1.181) - Reply Timely Filed	154	23%	OPET

*Infrequently Filed Petition

This is a 12 Month Rolling Average.
The data is current as of August 1, 2015 and is updated quarterly.





Abandonment Related Petitions

IPLA – International Patent Legal Administration ODM – Office of Data Management OPET – Office of Petitions TC – Technology Center

Generally Available

Petition Type	Avg. Days Pending of Decided Petitions	Grant Rate Percentage	Deciding Office
502 - To Revive an Abandoned Application-Unintentional Delay (37 CFR 1.137(a)	113	85%	OPET
510 - To Accept Late Payment of Issue Fee - Unintentional Late Payment (37 CFR 1.137(a)	81	88%	OPET
525 - To Withdraw a Holding of Abandonment (37 CFR 1.181) - Failure to receive an Office Action 525 - To Withdraw a Holding of Abandonment (37 CFR 1.181) - Reply Timely Filed	180	52%	ОРЕТ
536 - Under 37 CFR 1.137(f)	58	95%*	OPET
561 - Revive Abandoned Application, Continuity Purposes Only	71	99%	OPET
613 - Relating to Withdraw of holding of Abandonment (37 CFR 1.137, MPEP 711.03)	57	33%*	TC
614 - To Withdraw a Holding of Abandonment (MPEP 711)	55	79%*	TC
650 - For Express Abandonment under 37 CFR 1.138(c)	20	69%*	ODM
651 - For Express Abandonment under Rule 37 CFR 1.138(d)	25	78%*	ODM



Questions and Comments

John Cottingham

Director, Office of Petitions

(571) 272-7079

John.Cottingham@USPTO.GOV



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Examination Policy Updates

Brian Hanlon, Director of the Office of Patent Legal Administration



Subject Matter Eligibility Update

- Update to the 2014 Interim Eligibility Guidance issued July 30
 - Addresses the five major themes from the public comments
 - Includes new set of examples, chart of all existing examples, and chart of relevant court decisions from the Supreme Court and the Federal Circuit
 - Opens a new 90 day period for public comment
- Will continue to monitor decisions and listen to feedback for further iterations
 - Currently working on life science examples and monitoring status of Sequenom

Training

- Training related to 35 U.S.C. 112 and the Executive Actions
 - Examining Functional Claim Limitations: Focus on Computer/Softwarerelated Claims – completed
 - Examining Claims for Compliance with 35 U.S.C. 112(a): Overview and Part I – Written Description, Focus on Electrical/Mechanical and Computer/Software-related Claims – CBT completed, workshops in process
 - Examining Claims for Compliance with 35 U.S.C. 112(a): Part II –
 Enablement, Focus on Electrical/Mechanical and Computer/Software-related Claims CBT in production
- Next module: 35 U.S.C. 112(b)

Questions and Comments

Brian Hanlon

Director, OPLA

(571)-272-5047

Brian.Hanlon@USPTO.gov

or

Bob Bahr

Acting Deputy Commissioner for Patent Examination Policy

(571) 272-8800

Robert.Bahr@USPTO.GOV



